

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

THE 4D FACTORY, LLC, *et al.*,
*Debtor.*¹

Chapter 11

No. 23-11618 (MEW) (Subchapter V
Cases)
(Jointly Administered)

**ORDER AUTHORIZING THE NEON SHAREHOLDERS
TO FILE EXHIBITS UNDER SEAL**

Mark Long, Colin Foran, Naomi Lackaff, Aaron Nonis, Don Norbury, and Mark Yeend (together, the “**Neon Shareholders**”) submitted a Motion for an order authorizing them to file under seal the Simple Agreements for Future Equity (together, the “**SAFEs**”), Neon’s January 13, 2023 Board Resolutions (“**Board Resolutions**”), and the Demand Letter drafted by Griffin Gaming Partners II, L.P. on September 14, 2023 (the “**Griffin Demand Letter**”), related to their concurrently filed Automatic Stay Motion. The Court having jurisdiction to consider the Motion and the relief requested therein under 28 U.S.C. § 1334; and consideration of the Motion and the relief requested therein being a core proceeding under 28 U.S.C. § 157(b); and venue being proper before this Court under 28 U.S.C. §§ 1408 and 1409; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted in this Order; and after due deliberation and sufficient cause appearing therefor, the Court ORDERS:

1. The Motion is granted to the extent set forth in this Order.
2. Under sections 105(a) and 107(b) of the Bankruptcy Code, Rule 9018 of the Federal

Rules of Bankruptcy Procedure, the Neon Shareholders are authorized to file the SAFEs, Board

¹ The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor’s federal tax identification number, are 4D Factory Inc. (6770), and The 4D Factory LLC’s (8935). As used herein, the “Debtor” refers to The 4D Factory LLC.

Resolutions, and Griffin Demand Letter under seal. The Neon Shareholders shall submit an unredacted copy of each sealed document to the Clerk of this Court under seal in an envelope marked to indicate that the same has been filed under seal by Order of this Court. The Neon Shareholders shall file a redacted version of each sealed document on the public docket.

3. The sealed, unredacted versions of such document shall be made available only to: (a) the Court and its employees; (b) the United States Trustee and any person employed in the office of the United States Trustee; and (c) Cort Javarone, Scott Honour, and Steven Horowitz (the “**Director Defendants**”) and counsel to the Director Defendants.

4. This Order is without prejudice to the right of any party in interest or the United States Trustee to seek to unseal any document or any component thereof.

5. The unredacted versions shall not be made available to any party without the sealing party’s consent, may not be filed on the public docket, and shall remain under seal until the closing of the case, entry of the final decree, or other order of the Court. Upon closure, the Clerk’s Office is authorized and shall permanently dispose of any hard copies and electronic storage devices containing documents that have been filed under seal.

6. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation or interpretation of this Order, including the authority to impose sanctions on any person or entity that violates this Order.

Dated: New York, New York
December 4, 2023

/s/ Michael E. Wiles
Honorable Michael E. Wiles
United States Bankruptcy Judge